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730-101-A  
07/579269  
PATENT APPLICATION  
DOCKET NO.: ABT87-01'

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dennis L. Panicali and Rene' Bernards

Attorney's

Prior Application Serial No.: 07/092,036 Docket No.: ABT87-01'

Prior Application Filing Date: September 2, 1987

501 RECOMBINANT POX VIRUS FOR IMMUNIZATION AGAINST  
For TUMOR-ASSOCIATED ANTIGENS

Anticipated Classification  
of this Application:

Prior application:

Examiner: R. Lebovitz

Class \_\_\_\_\_ Subclass \_\_\_\_\_

Art Unit: 185

Commissioner of Patents and Trademarks  
Box FWC  
Washington, D.C. 20231

FILE WRAPPER CONTINUING APPLICATION (FWC)

1. This is a request for a filing under the file wrapper continuing application procedure, 37 CFR 1.62, for a

x continuation

\_\_\_\_\_ divisional

\_\_\_\_\_ continuation-in-part (for oath or declaration see II below)

\_\_\_\_\_ attached is an amendment for added subject matter of prior application

Serial No. \_\_\_\_\_ filed on \_\_\_\_\_

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this FWC transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date September 5, 1990 in an envelope as "Express Mail Post Office to Addressee" mailing Label Number RB555756872 addressed to the:

Commissioner of Patents and Trademarks  
Box FWC  
Washington, D.C. 20231

Joyce A. Rains

(Type or print name of person mailing paper)

Joyce A. Rains  
(Signature of person mailing paper)

(further particulars of prior application are)

1. Title (as originally filed RECOMBINANT POX VIRUS FOR  
IMMUNIZATION AGAINST TUMOR-ASSOCIATED ANTIGENS  
and as last amended) \_\_\_\_\_
2. Name of applicant(s) (as originally filed and as last amended)  
and current correspondence address of applicant(s) \_\_\_\_\_

	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
FULL NAME OF INVENTOR	<u>Panicali</u>	<u>Dennis</u>	<u>L.</u>
	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
RESIDENCE & CITIZENSHIP	<u>114 Nonset Path, Acton, MA 01720</u>		<u>U.S.A.</u>
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
POST OFFICE ADDRESS	<u>same</u>		
	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
FULL NAME OF INVENTOR	<u>Bernards</u>	<u>Rene</u>	
	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
RESIDENCE & CITIZENSHIP	<u>26 Marion Street, Brookline, MA 02146</u>		<u>Dutch</u>
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
POST OFFICE ADDRESS	<u>same</u>		
	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
FULL NAME OF INVENTOR			
	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
RESIDENCE & CITIZENSHIP			
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
POST OFFICE ADDRESS			

The above-identified application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

II. Declaration or oath

A. Continuation or divisional

☒ none required

B. Continuation-in-part

☐ attached

☐ an original

executed by (check all applicable items)

☐ inventor(s).

☐ legal representative of inventor(s)

37 CFR 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR 1.47;

☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item V below for fee.

☐ not attached

Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all of the above-named applicant(s). The declaration or oath, along with the surcharge required by 37 CFR 1.16(e), can be filed subsequently.

☐ showing that the filing is authorized. (Not required unless called into question. 37 CFR 1.41(d).

### III. Fee Calculation

- X The fees to be charged are to be based on the number of claims remaining as a result of the attached preliminary amendment
- XX the unentered amendment filed under 37 CFR 1.116 in the prior application, which is now repeated
- the claims as on file in the prior application

#### CLAIMS FOR FEE CALCULATION

The filing fee has been calculated as shown below:

		(Col. 1)	(Col. 2)	SMALL ENTITY			OTHER THAN A SMALL ENTITY		
FOR:	*	NO. FILED	* NO. EXTRA*	* RATE	* FEE	*	OR	* RATE	* FEE
BASIC FEE	*		*	*	\$185	*	OR	*	\$370
TOTAL CLAIMS	*	32 -20=	* *12	*	x6=	* \$	OR	* x12=	* \$144
INDEP CLAIMS	*	9 -3=	* * 6	*	x18=	* \$	OR	* x36=	* \$216
[ ] MULTIPLE DEPENDENT CLAIM PRESENTED				*	x60=	* \$	OR	* x120=	* \$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2				Assignment*	Fee:*	\$	Assignment*	Fee:*	\$
				TOTAL:			TOTAL:	\$730.00	

#### Small Entity Statement

- A verified statement that this is a filing by a small entity is attached.
- The small entity statement was filed in the parent application Serial No. \_\_\_\_\_ on \_\_\_\_\_ and its benefit under 37 CFR 1.28(a) is hereby claimed.

### IV. Fee Payment Being Made At This Time

#### Method of Payment of Fees

- X attached is check in the amount of \$ 730.00
- charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

A duplicate of this request is attached.

V. Authorization to Charge Additional Fees

x The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 08-0380. Two copies of this sheet are enclosed.

x Any additional filing fees required under 37 CFR 1.16.

x Any patent application processing fees under 37 CFR 1.17.

x The Commissioner is hereby authorized to charge payment of the following fees during pendency of this application or credit any overpayment to Deposit Account No. 08-0380. Two copies of this sheet are enclosed.

x Any patent application processing fees under 37 CFR 1.17.

x Any filing fees under 37 CFR 1.16 for presentation of extra claims.

VI. Instructions as to Overpayment

x credit Account No. 08-0380  
     refund

VII. Prior Foreign Applications and Claim to Priority - 35 U.S.C. 119

Listed below are foreign application(s) for patent or inventor's certificate on which priority is claimed. Also identified are any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

			Priority Claimed	
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
(Number)	(Country)	(Day/Month/Year filed)	Yes	No

VIII. Relate Back - 35 U.S.C. 120

  x   Amend the specification by inserting before the first line the sentence:

C1 This is a

  x   continuation  
      divisional  
      continuation-in-part

of co-pending application Serial No. 07/092,036 filed  
on September 2, 1987.

IX. Assignment

  x   the prior application is assigned of record to Applied bioTechnology, Inc. and Whitehead Institute for Biomedical Research  
      an assignment of the invention to \_\_\_\_\_  
is attached.

X. Power of Attorney

The power of attorney in the prior application is to  
Attorney Registration No.

341 David E. Brook 22,592  
James M. Smith 28,043  
Leo R. Reynolds 20,884  
Richard A. Wise 18,041  
Patricia Granahan 32,227  
Mary Lou Wakimura 31,804  
Thomas O. Hoover 32,470

- a. ☒ The power appears in the original papers in the prior application.  
b. ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_.  
c. ☐ A new power has been executed and is attached.  
d. ☒ Address all future communications to:

66 David E. Brook, Esq.  
66 Hamilton, Brook, Smith & Reynolds, P.C.  
70 Two Militia Drive  
70 Lexington, MA 02173

XI. Maintenance of Copendency of Prior Application

Please abandon the prior application when any petition for extension of time filed in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

- ☐ A petition, fee and response has been filed to extend the term for response in the pending prior application until \_\_\_\_\_.  
☐ A petition and fee is attached to extend the term for response in the pending prior application until \_\_\_\_\_.  
☒ The term for response in the pending prior application expires September 5, 1990.

September 5, 1990  
Date

David E. Brook  
Type or print name of person signing  
David E. Brook  
Signature

P.O. Address of Signatory:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Inventor  
☐ Assignee of complete interest  
☒ Person authorized to sign on behalf of assignee  
Title Attorney for Applicants

Tel. No.: 617-861-6240

☒ Attorney or agent of record  
☐ Filed under Rule 34(a)

Reg. No.: 22,592  
(if applicable)